



FILED  
CLERKS OFFICE

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF DELAWARE  
OFFICE OF THE CLERK

AUG 16 P 3:43  
U.S. DISTRICT COURT  
DISTRICT OF MASS.

PETER T. DALLEO  
CLERK OF COURT

LOCKBOX 18  
844 KING STREET  
U.S. COURTHOUSE  
WILMINGTON, DELAWARE 19801  
(302) 573-6170  
www.ded.uscourts.gov

04 11783 NG  
August 13, 2004

United States District Court for the District of Massachusetts  
1 Courthouse Way  
Boston, Massachusetts 02210  
ATTN: Tony Anastas, Clerk of Court

MAGISTRATE JUDGE *Alexander*

RE: C.A. 04-CV-232 GMS (CYTOLOGIX CORPORATION v. VENTANA MEDICAL  
SYSTEMS, INC.)

Dear Sir/Madam:

Pursuant to the July 2, 2004, conditional transfer order, enclosed please find the following:

1. Original Pleadings from the USDC file
2. Certified Copy of our Docket Sheet

Please acknowledge receipt of the above papers on the enclosed copy of this letter.

Sincerely,  
Peter T. Dalleo, Clerk

By: *Shirley Walker*  
(Deputy Clerk)

Enclosures

I hereby acknowledge receipt of the record in the above captioned matter on \_\_\_\_\_  
(Date)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

19

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

CYTOLOGIX CORPORATION,

Plaintiff,

v.

VENTANA MEDICAL SYSTEMS, INC.

Defendant.

Civil Action No. 04-232 (GMS)

**STIPULATED ORDER TRANSFERRING ACTION**

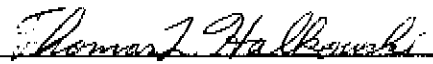
WHEREAS, defendant Ventana Medical Systems, Inc. has moved pursuant to 28 U.S.C. § 1404(a) for an order transferring this case to the District of Massachusetts; and

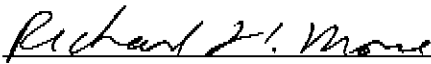
WHEREAS, this action might have been brought in the District of Massachusetts, and the parties have agreed to a transfer to that District,

IT IS HEREBY STIPULATED by the parties to this action, subject to the order of this court, that this action is transferred to the United States District Court for the District of Massachusetts.

FISH & RICHARDSON P.C.

YOUNG CONAWAY STARGATT &  
TAYLOR, LLP

  
Thomas L. Halkowski (No. 4099)  
919 North Market Street, Suite 1100  
P.O. Box 1114  
Wilmington, Delaware 19899-1114  
(302) 652-5070

  
Richard H. Morse (No. 531)  
1000 West Street, 17<sup>th</sup> Floor  
P.O. Box 391  
Wilmington, DE 19899  
(302) 571-6600

*Of Counsel:*

Michael E. Zcliger  
David A. Simons  
Fish & Richardson P.C.  
225 Franklin Street  
Boston, MA 02110-2804  
(617) 542-5070

Attorneys for Plaintiff

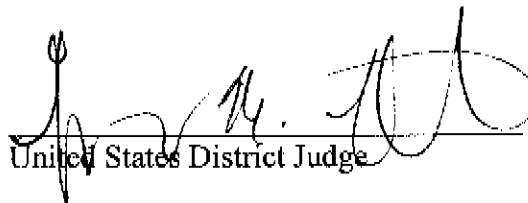
DATED: July 1, 2004

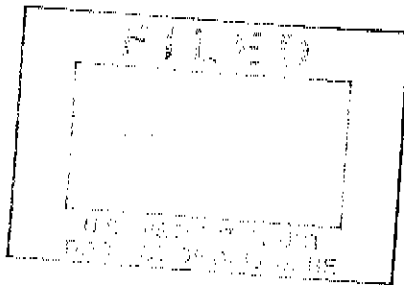
*Of Counsel:*

Ron E. Shulman  
Roger J. Chin  
Wilson Sonsini Goodrich & Rosati  
650 Page Mill Road  
Palo Alto, CA 94304  
(650) 493-9300

Attorneys for Defendant

SO ORDERED, this 2 day of July, 2004.

  
United States District Judge



CHASER Pre Extracted Civil Docket as of July 15, 2004 8:09 pm  
CLOSED

## U.S. District Court

U. S. District Court of Delaware (Wilmington)  
CIVIL DOCKET FOR CASE #: 1:04cv00232-

CERTIFIED: 7/15/04  
AS A TRUE COPY:

ATTEST:

PETER T. DALLEO, CLERK

BY

Deputy Clerk

Cytologix Corp v. Ventana Medical  
Assigned to: Judge Gregory M. Sleet  
Demand: \$0,000  
Lead Docket: None  
Dkt# in other court: None  
Cause: 28:1338 Patent Infringement

Filed: 04/15/04  
Jury demand: Both  
Nature of Suit: 830  
Jurisdiction: Federal Question

* Parties *	* Attorneys *
<b>CYTOLOGIX CORPORATION</b> plaintiff	<b>Timothy Devlin</b> [COR LD NTC] Fish & Richardson, P.C. 919 N. Market Street, Suite 1100 P.O. Box 1114 Wilmington, DE 19899-1114 (302) 652-5070
v.	
<b>VENTANA MEDICAL SYSTEMS INC.</b> defendant	<b>Richard H. Morse</b> 571-6651 [COR LD NTC] Young, Conaway, Stargatt & Taylor The Brandywine Building 1000 West Street, 17th Floor P.O. Box 391 Wilmington, DE 19899-0391 (302) 571-6600
<b>VENTANA MEDICAL SYSTEMS INC.</b> counter-claimant	<b>Richard H. Morse</b> 571-6651 [COR LD NTC] Young, Conaway, Stargatt & Taylor The Brandywine Building 1000 West Street, 17th Floor P.O. Box 391 Wilmington, DE 19899-0391 (302) 571-6600
v.	
<b>CYTOLOGIX CORPORATION</b> counter-defendant	<b>Timothy Devlin</b> [COR LD NTC] Fish & Richardson, P.C. 919 N. Market Street, Suite 1100

P.O. Box 1114  
Wilmington, DE 19899-1114  
(302) 652-5070

### Docket Proceedings

Date	Doc #	Docket Entry
04/15/04	1	COMPLAINT filed. Magistrate Consent Notice to Pltf. FILING FEE \$ 150.00 RECEIPT # 136028 (es) [Entry date 04/16/04]
04/15/04	--	DEMAND for jury trial by Cytologix Corp (es) [Entry date 04/16/04] [Edit date 04/16/04]
04/15/04	--	SUMMONS(ES) issued for Ventana Medical (es) [Entry date 04/16/04]
04/15/04	2	Report to Commissioner of Patents and Trademarks. Exit original. Re: 6,541,261 B1 (es) [Entry date 04/16/04]
04/16/04	3	RETURN OF SERVICE executed as to Ventana Medical 4/15/04 (c/o Corporation Trust Co.); Answer due on 5/5/04 for Ventana Medical (bkb) [Entry date 04/19/04]
04/21/04	4	CASE assigned to Judge Gregory M. Sleet . Notice to all parties. (rb)
04/21/04	5	Disclosure Statement pursuant to FRCvP 7.1(a) by Cytologix Corp (aw) [Entry date 04/27/04]
04/28/04	6	STIPULATION Extending Time to Respond to Complaint from 5/5/04 to 5/26/04 (lg)
04/29/04	--	So Ordered granting [6-1] stipulation ( signed by Judge Gregory M. Sleet ) Notice to all parties. (aw)
04/29/04	--	Deadline updated; reset Answer deadline from 5/5/04 to 5/26/04 for Ventana Medical (aw)
05/03/04	7	MOTION by Cytologix Corp with Proposed Order for Michael E. Zeliger and David A. Simons to Appear Pro Hac Vice (lg) [Entry date 05/04/04]
05/04/04	--	So Ordered granting [7-1] motion for Michael E. Zeliger and David A. Simons to Appear Pro Hac Vice ( signed by Judge Gregory M. Sleet ) Notice to all parties. (lg) [Entry date 05/27/04]
05/26/04	8	NOTICE of Related Case by Ventana Medical Case No.s 00-12231 & 01-10178 (District of Massachusetts) (lg) [Entry date 05/27/04]

05/26/04	9	ANSWER to complaint and COUNTERCLAIM by Ventana Medical; Jury demand against Cytologix Corp (lg) [Entry date 05/27/04]
05/26/04	10	MOTION by Ventana Medical to Transfer Venue (to the District of Massachusetts) (lg) [Entry date 05/27/04]
05/26/04	11	Opening Brief Filed by Ventana Medical [10-1] motion to Transfer Venue (to the District of Massachusetts) - Answer Brief due 6/9/04 (lg) [Entry date 05/27/04]
05/26/04	12	Declaration of S. Michael Song in Support of Ventana's Motion to Transfer Venue (lg) [Entry date 05/27/04]
06/03/04	13	Corporate Disclosure Statement pursuant to Rule 7.1 by Ventana Medical Systems, Inc. (aw)
06/04/04	14	MOTION by Ventana Medical with Proposed Order for Ron E. Shulman, Esq., Roger J. Chin, Esq. and S. Michael Song, Esq. to Appear Pro Hac Vice (aw) [Entry date 06/07/04]
06/07/04	--	So Ordered granting [14-1] motion for Ron E. Shulman, Esq., Roger J. Chin, Esq. and S. Michael Song, Esq. to Appear Pro Hac Vice ( signed by Judge Gregory M. Sleet ) Notice to all parties. (aw)
06/09/04	15	STIPULATION with proposed order to Extend the deadline to 6/17/04 for the Plaintiff to file a response to Defendant's Motion to Transfer and for the Defendant's Reply to be due on 6/24/04 (aw) [Entry date 06/10/04]
06/09/04	--	So Ordered granting [15-1] stipulation ( signed by Judge Gregory M. Sleet ) Notice to all parties. (aw) [Entry date 06/10/04]
06/10/04	--	Deadline updated; reset Answer deadline to 6/17/04 for Ventana Medical, set Reply Brief Deadline to 6/24/04 re: [10-1] motion to Transfer Venue (to the District of Massachusetts) (aw) [Entry date 06/17/04]
06/10/04	--	Deadline updated; set Answer Brief Deadline to 6/17/04 re: [10-1] motion to Transfer Venue (to the District of Massachusetts), reset Reply Brief Deadline to 6/24/04 re: [10-1] motion to Transfer Venue (to the District of Massachusetts) (aw) [Entry date 06/18/04]
06/15/04	16	ANSWER by Cytologix Corp to [9-2] counter claim (aw) [Entry date 06/17/04]
06/17/04	17	Answer Brief Filed by Cytologix Corp [10-1] motion to Transfer Venue (to the District of Massachusetts) - Reply Brief due 6/24/04 (aw) [Entry date 06/18/04]
06/18/04	18	STIPULATION with proposed order Extending time (one week) from 6/24/04 to 7/1/04 for the Defendant to file a reply brief in support of its motion to transfer (aw) [Entry date 06/22/04]

06/23/04	--	So Ordered granting [18-1] stipulation ( signed by Judge Gregory M. Sleet ) Notice to all parties. (aw)
06/23/04	--	Deadline updated; reset Reply Brief Deadline to 7/1/04 re: [10-1] motion to Transfer Venue (to the District of Massachusetts) (aw)
07/02/04	19	STIPULATION with proposed order Transferring Action to the U.S.D.C. for the District of Massachusetts (aw) [Edit date 07/02/04]
07/02/04	--	So Ordered granting [19-1] stipulation ( signed by Judge Gregory M. Sleet ) Notice to all parties. (aw)
07/02/04	--	Case closed (aw) [Entry date 07/15/04]
[END OF DOCKET: 1:04cv232]		